

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated November 17, 2006 (hereinafter Office Action) have been considered. Claims 1-4, 6-9, 11-20, 24-26 and 29-46 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 19-20 and 24-26 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Applicant respectfully traverses the rejection. However, in order to facilitate prosecution of the application, the Applicant has amended Claims 19-20 and 24-26 to read “computer-readable storage medium.” Withdrawal of the rejection is therefore respectfully solicited.

Claims 1, 19 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,591,103 to Dunn et al. (hereinafter “*Dunn*”) in view of U.S. Publication No. 2002/0174117 by Nykanen (hereinafter “*Nykanen*”).

Applicants respectfully traverse the rejections. Applicants maintain the previously presented arguments (see Office Action Response mailed July 2006) that *Dunn* fails to inherently or expressly describe access to Web services. *Dunn* is directed to establishing wireless access connections to multiple base stations, therefore *Dunn* is entirely unrelated to “Web services” as such term is commonly known and used in the art. As such, Applicants respectfully submit that *Dunn* also fails to render the claims obvious.

In addition, the Applicant respectfully brings to the Examiner’s attention that the secondary reference, *Nykanen* is not available under the provisions of 35 U.S.C. § 103(c). As such, *Nykanen* cannot properly be used as a reference to support the Examiner’s rejection of Claims 1, 19, and 24 under 35 U.S.C. § 103.

Applicant respectfully notes that both the instant Application and *Nykanen* are assigned to a common assignee. *Nykanen* and the present Application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, as evidenced by reel/frame 012034/0610 relative to *Nykanen*, and by reel/frame 012839/0505 relative to the present Application. Both *Nykanen* and the present

Application were, at the time the Applicant's invention was made, owned or subject to an obligation of assignment to the same company, Nokia Corporation.

Applicant's claimed invention was not known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicant for patent. As such, *Nykanen* is not a qualified reference under 35 U.S.C. § 102(a). Applicant's claimed invention was not patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of Applicant's application for patent in the U.S. Accordingly, *Nykanen* is not a qualified reference under 35 U.S.C. § 102(b).

Further, *Nykanen* is not a qualified reference under 35 U.S.C. § 102(d). To the extent that the *Nykanen* reference is directed to subject matter may be prior art under 35 U.S.C. 103 via 35 U.S.C. 102(e), *Nykanen* is now disqualified as prior art against Applicant's claimed invention. This conclusion follows because Applicant's claimed invention and this subject matter of the *Nykanen* reference were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, as provided for by 35 U.S.C. 103(c), *Nykanen* is not a reference available to support a rejection of Applicant's claimed subject matter under 35 U.S.C. § 103.

For the above-stated reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1, 19, and 24 under 35 U.S.C. § 103(a). Clearly, the primary reference, *Dunn*, does not render obvious Applicant's claimed subject matter of Claims 1, 19, and 24.

Claims 2-4, 6-9, 11-18, 20, 25, 30-32, 33-42 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Dunn* in view of *Nykanen* and in further view of U.S. Publication No. 2005/0157677 by Dowling et al. (hereinafter "*Dowling*"). Claims 7-9, 16-17, 25-26, 29 and 43-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Dunn* in view of *Dowling* and *Nykanen* and U.S. Publication No. 2003/0035409 by Wang (hereinafter "*Wang*").

The Applicants respectfully traverse the rejection. To establish a *prima facie* case of obviousness based on a combination of references, the prior art references must at least teach or suggest all of the claim limitations. For the rejections of all of Claims 2-4, 6-9, 11-18, 20, 25, 26, and 29-46, the Examiner relies on the combination of *Dunn* and *Nykanen* as teaching the substance of these claims. The Examiner does not rely on either *Dowling* or *Wang* as providing a remedy to the deficiencies of the combination of *Dunn* and *Nykanen* as it pertains to the teachings of Web services, nor do *Dowling* or *Wang* provide such a remedy. Thus, because the rejections of Claims 2-4, 6-9, 11-18, 20, 25, 26, and 29-46 rely on *Nykanen*, the various combinations of *Dunn*, *Nykanen*, *Dowling* and *Wang* do not render these claims obvious because *Nykanen* is not a qualified reference under 35 U.S.C. § 103(c). While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 2-4, 6-9, 11-18, 20, 25, 26, and 29-46 are not rendered obvious, and withdrawal of the rejection is respectfully solicited.

It is to be understood that the Applicant does not acquiesce to the Examiner's characterization of the asserted art or the Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to the Applicant's claimed subject matter. Moreover, the Applicants do not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of the Applicant's invention, officially noticed facts, and the like. The Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of *Nykanen* being an unqualified reference. The Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.018PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the

undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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